

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

HUDSON SPECIALITY INSURANCE COMPANY

PLAINTIFF

V.

CASE NO. 5:17cv137-DCB-MTP

**TALEX ENTERPRISES, LLC; JUBILEE PERFORMING
ARTS CENTER, INC.; TERRANCE L. ALEXANDER; the
BOARD OF MAYOR AND SELECTMEN
OF MCCOMB, MISSISSIPPI, et al.**

DEFENDANTS

AGREED ORDER

This matter is before the Court on the Motion to Strike or, in the Alternative, for Leave to File Sur-Reply (“Motion to Strike”) [Doc. 227] of Defendants/Counter-Claimants Talex Enterprises, LLC; Terrance L. Alexander; Jubilee Performing Arts Center, Inc.; and, the Board of Mayor and Selectmen of McComb, Mississippi (collectively, “Counter-Claimants”), and the Motion for the Filing of Sur-Reply and Sur-Rebuttal [Doc. 229] of Plaintiff/Counter-Defendant Hudson Specialty Insurance Company (“Hudson”). Counter-Claimants and Hudson have reached an agreement on the pending motions to the effect that Counter-Claimants withdraw their request to strike certain portions of Hudson’s Reply Memorandum in Support of Its Motion for Partial Summary Judgment – Liability Coverage, and Counter-Claimants and Hudson consent to the filing of the proposed Sur-Reply [Doc. 227-1] and Sur-Rebuttal [Doc. 228-1]. The Court, being fully advised in the premises and considering the agreement of the parties, finds that the Motion to Strike [Doc. 227] should be granted in part and denied in part, and that the Motion for the Filing of Sur-Reply and Sur-Rebuttal [Doc. 229] should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (i) The portion of the Motion to Strike [Doc. 227] requesting that certain arguments

in the summary judgment briefing be stricken is hereby denied as moot.

(ii) The portion of the Motion to Strike [Doc. 227] requesting leave to file the proposed Sur-Reply is hereby granted.

(iii) The Motion for the Filing of Sur-Reply and Sur-Rebuttal [Doc. 229] is hereby granted.

(iv) The parties shall file their respective Sur-Reply [Doc. 227-1] and Sur-Rebuttal [228-1] on or before August 9, 2019.

SO ORDERED AND ADJUDGED this the 15th day of August, 2019.

/s/ David Bramlette
UNITED STATES DISTRICT COURT JUDGE

AGREED:

s/Mark J. Goldberg

WAYNE DOWDY, MSB # 6177

MARK J. GOLDBERG, MS BAR #101874

Counsel for: TALEX ENTERPRISES, LLC; JUBILEE PERFORMING ARTS CENTER, INC.;
TERRANCE L. ALEXANDER; AND THE BOARD OF MAYOR AND SELECTMEN OF
MCCOMB, MISSISSIPPI

s/ Smith Boykin

W. WRIGHT HILL, JR., MSB # 9560

T. L. "SMITH" BOYKIN, III, MSB # 101256

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